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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,804

01/02/2007

Stuart Hardy

1052-0001

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07/01/2008

O"SHEA GETZ P.C.

1500 MAIN ST. SUITE 912

SPRINGFIELD, MA 01115

EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,804	<b>Applicant(s)</b> HARDY, STUART	
	<b>Examiner</b> David M. Purol	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,14-19,21-25 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,14-19,21-25 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Line 2 recites "said leaves" for which there is no antecedent basis.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4-11,14,21-25,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassar (Australian Patent No. 732,999) in view of Watkins (U.S. Patent No. 6,289,563). Cassar discloses a fitting 24 including two parts 28,30 connected by a hinge 26, releasable fasteners 34,36, and a hanger attachment means 32. While Cassar does not disclose the use of a clip in the shape of a post, Watkins discloses a fitting utilizing a post 12, wherein, to incorporate this teaching into the fitting of Cassar for its explicit purpose of fastening would have been obvious to one of ordinary skill in the art. The particular number of posts employed is considered a design preference in that the result is predictable. As to the type of material from which the fitting is constructed, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of

ordinary skill in the art. The particular manner of securing the releasable fasteners to the fitting is considered an obvious expedient.

3. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassar (Australian Patent No. 732,999) in view of Watkins (U.S. Patent No. 6,289,563) as applied to claims 1,4-11,14,21-25,31 above, and further in view of Ford (U.S. Patent No. 5,123,471). While Cassar does not disclose the hanger attachment means as comprising an eye, Ford discloses a fitting having a hanger attachment 37 in the shape of an eye, wherein, to incorporate this teaching into the fitting of Cassar, as modified by Watkins, so as to facilitate the mounting of the fitting would have been obvious to one of ordinary skill in the art.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 29 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cassar (Australian Patent No. 732,999). Cassar discloses a voile 2 having releasable fastener means 22,62,64,66,.

5. Claims 25 and 30 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kleynjans (U.S. Patent No. 6,945,304). Kleynjans discloses two parts 10,11 connected by a living hinge 12 with clip means 15 integrally formed thereon for clipping the two parts 10,11 together.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. The applicant argues that Cassar does not disclose or suggest clip means for clipping the two panels 28, 30 to a blade 6 in use, integral or otherwise. It should be noted that Watkins teaches the use of a clip means.

The applicant states that one of the advantages of the present fitting is that it can accommodate the additional weight of a voile without negatively affecting the louver. This argument is more specific than the claims and hence not directed thereto for the fitting is not claimed in combination with the voile or the louver.

The applicant argues that the present specification clearly distinguishes between clip means which clips one leaf of the fitting to the louvre and/or to the other leaf (e.g., clips 38, 40) and posts which extend through openings in a louvre from one side to another but which do not clip or attach to both leaves (e.g. posts 36). This argument is more specific than the claims and hence not directed thereto for the fitting is not claimed in combination with the louver.

The applicant argues that Watkins teaches that each flap 10A, 10B is attached to the adjacent face of the louvre by adhesive pads 20A, 20B where the flaps 10A, 10B are not clipped to one another. This is not convincing for the claims of the instant application do not preclude the presence of adhesive pads.

The applicant argues that the repair kit taught by Watkins is just a member designed to cover a tear in a louvre and does not provide means for attaching a voile. This is not convincing for Cassar discloses a means for attaching a voile and it is the teaching of a clip as disclosed by Watkins which has been relied upon for negating patentability.

The applicant states that both Cassar and Watkins fail to disclose a fitting comprising a plurality of integrally formed posts for extending through corresponding openings in a louvre to support the louvre in use and that Watkins teaches only that a separate fastener 12 can be pushed through the two flaps 10A, 10B and the louvre to help support the weight of the louvre. This is not convincing for the separate fastener 12 as disclosed by Watkins is integral with the fitting.

The applicant states that Claim 29 recites a voile for attachment to a hanging fitting that includes releasable fastener means provided at spaced locations along its upper edge which fasten opposed section of voile together and that in Cassar the curtain 2 has a half of a continuous strip 62 of hook and loop fastener (or the like) along its top edge which allows it to be fastened to the fittings such that the strip 62 does not fasten any opposed section of curtain to one another rather only the curtain to the

fittings. This is not convincing for this claim does not preclude the presence of the fitting and/or that the fitting is an element of the fastener means.

Applicant's arguments have been fully considered but they are not persuasive.

8. Applicant's amendment clarifying the scope of the invention necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Purol/  
**David M Purol**  
**Primary Examiner**  
**Art Unit 3634**

/D. M. P./  
(571) 272-6833  
June 29, 2008